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| 09/046,784      | 03/23/1998  | KAPONO D. CARTER     | 83000.1007          | 2541             |

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EXAMINER

LUU, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/05/2003

34

Please find below and/or attached an Office communication concerning this application or proceeding.

7D

**Office Action Summary**

Application No.

09/046,784

Applicant(s)

CARTER, KAPONO D.

Examiner

Sy D Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2003 and 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the Appeal Brief filed on 3/11/2003 and Amendment E, filed 7/3/2002.
2. Upon reviewing Applicant's remarks/arguments in the Appeal Brief, a determination was made for the rejections of the previous final office action to be rescinded; and thereby, a new non-final office action follows.
3. Claims 1-23 are pending in this application. Claims 1, 7, 12, 17 and 23 are independent claims. In the Amendment E, claims 17-20 were added, and claims 1, 4, 8-10, 13-15, 17 and 22 were amended.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 1 recites: a selection mechanism configured to select a portion of said current document in response to a user input. The phrase "a portion of" was not described in the specification. The Examiner will make the best effort make interpretations according within the scope of the art.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-4, 6-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Windows NT 4.0 Explorer ("Windows Explorer").

As per claim 1, Windows Explorer teaches the following subject matter:

a browsing mechanism (fig. 2; *Explorer window 20*) configured to render a current data resource (fig. 2; *HTML document 22*) in a display region of a graphical user interface (fig. 2; *display region 24*), said current data resource comprising at least one current document, said browsing mechanism configured to navigate through a plurality of data resources (fig. 2; *data resources 26a-b*);

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a selection mechanism configured to select a portion of said current document in response to a user input (fig. 3; *performed by pointing the mouse pointer cursor at location 32 and clicking the right button of a mouse pointer*); and

an attachment mechanism configured to retrieve an attachment from said selection mechanism and attach said attachment to an e-mail message in response to a user event, said attachment associated with said portion of said current document (figs. 3-4; *after selecting "Send To" 34 and "Mail Recipient" 36 options, attachment 42 corresponding to the portion of said current document which was selected from the selection mechanism, is retrieved and attach to an e-mail message as illustrated in window 44*).

As per claims 2-3, Windows Explorer teaches said attachment to comprise a resource locator associated with said current document, and source data associated with said current document (*inherent features of HTML documents which are used as a hyperlink address and text with "tags" instructions for operations such as how to display the information contained therein* ).

As per claim 4, Windows Explorer teaches said attachment mechanism to be configured to select an attachment type of said attachment (*shown as selection of attachment type of HTML*).

As per claim 6, Windows Explorer teaches said browsing mechanism to be configured to navigate to a first data resource using a resource locator in a second data resource (fig. 2; *navigating to first data resource 22 using a resource locator 28 in a second data resource 29*).

Claims 7-11 are similar in scope to claims 1, 4, 2, 3 and 6 respectively, and are therefore rejected under similar rationale.

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Claims 12-16 are similar in scope to claims 7-11 respectively, and are therefore rejected under similar rationale.

Claims 17-19, 21 and 23 are similar in scope to claims 1-3, 6 and 1 respectively, and are therefore rejected under similar rationale.

As per claim 22, Windows Explorer teaches said browsing component to further comprise: a stack configured to contain resource locators of navigated data resources (*history log 21 containing resource locators of navigated data resources*), and one or more methods configured to browse said navigated data resources by stepping forward and backward within said stack (*navigating means 23 and 25*).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windows NT 4.0 Explorer ("Windows Explorer").

As per claim 5, while Windows Explorer teaches the use of a menu option on the GUI for the attachment mechanism to initiate the e-mail attachment process (fig. 3; *menu option 36*), Windows Explorer does not explicitly indicate said menu option to be a button. However, Official Notice is taken that the use of buttons as menu options is notoriously well known in the art. It would have been obvious to an artisan at the time of the invention to include the use of

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buttons for selecting menu options. Such an use would provide Windows Explorer with another choice of menu option selection design/implementation.

As per claim 20, the limitation of determining a type of the attachment has been addressed in claim 4. Furthermore, a property for said step of determining would have been inherent to the system so that a distinction could be made from among different types of attachment such as graphics or text. A selection method configured to allow a user to select a value of said property is not explicitly disclosed in figs. 1-4 of Windows Explorer. However, Official Notice is taken that such a selection method by an user, e.g. pre-selection of only a data file of a particular type or suffix with property value of "htm" through the browser manager (*i.e. using file manager utility to be selective on types of files*), is well known in art. It would have been obvious to an artisan at the time of the invention to provide such a feature to the user in order to allow the user to select desired attachment(s) of a particular type.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Inquires***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

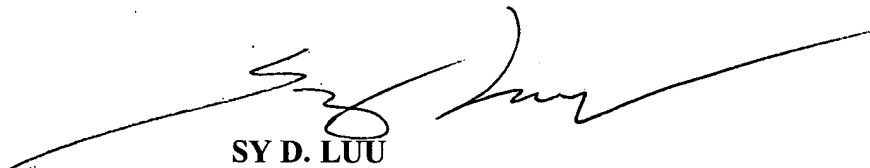
The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**SY D. LUU**  
**PRIMARY EXAMINER**